



Attorney Docket No. 22940/2

#10  
Election  
S. Bryce  
12/10/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Howard N. Straub

Art Unit: 3731

U.S.S.N.: 09/650,584

Confirmation No.: 9208

FILED: August 30, 2000

Examiner: Bui, VY Q.

FOR: *OPHTHALMIC DEVICE AND METHOD OF MANUFACTURE AND USE*

**CERTIFICATE OF MAILING**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Mail Stop Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By: *Sandra J. Wittrup*  
Sandra J. Wittrup

December 1, 2003  
Date

MAIL STOP FEE AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO RESTRICTION REQUIREMENT**

Sir:

This is being filed in response to the Office Action mailed from the U. S. Patent and Trademark Office on September 30, 2003 in the above-identified application and for which a response was due on October 30, 2003. A petition for a one month extension is attached to this response. If, however, such petition for extension is missing please consider this paper such a petition. Authorization is hereby given to charge Deposit Account No. 50-0369 in connection with any fees for extension of time that are necessary to permit entry of this response.

The Office Action mailed September 30, 2003 required an election to the six following species of the claimed invention:

- I. Drawn to a torsion resistant scleral-tensioning stent, classified in class 623, subclass 1.15, currently embodied in claims 1-17.
- II. Drawn to a method of chronically increasing ocular fluid drainage, classified in class 606, subclass 905, currently embodied in claim 18.
- III. Drawn to a method of chronically increasing ocular fluid drainage, classified in class 606, subclass 905, currently embodied in claims 18-19.
- IV. Drawn to a method of chronic glaucoma palliation, classified in class 606, subclass 905, currently embodied in claims 20-22.
- V. Drawn to a method of chronic presbyopia palliation, classified in class 606, subclass 905, currently embodied in claim 21.
- VI. Drawn to a method of astigmatism, classified in class 606, subclass 905, currently embodied in claim 23.

In response thereto, Applicants provisionally elect, with traverse, Group I. Applicant states that in the usual course of prosecution, the art of all six groups would be searched in the prosecution of any one group as designated. In the interest of efficiency, Applicant respectfully requests that the restriction requirement be withdrawn.

#### CONCLUSION

The claims remaining within the application are believed to patentably distinguish over the prior art and to be in condition for allowance. Early and favorable consideration of this application is respectfully requested.

Respectfully submitted,



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